

EXHIBIT I

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**



60019912

Withholding Identification Number 132700801 2

Jan 1- Mar 31	Apr 1- Jun 30	X July 1- Sep 30	Oct 1- Dec 31	0 2 Y Y	Tax Year
------------------	------------------	------------------------	------------------	------------	-------------

Employer Legal Name
NYACK COLONIAL CAR WASH, INC.

B. Other wages only reported on this page

C. If seasonal employer, check box

[illegible]

**Mail to: NYS EMPLOYMENT TAXES
CHURCH STREET STATION
PO BOX 1417
NEW YORK NY 10008-1417**

For office use only
Postmark

Received date

D000036

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**

60019912

Withholding Identification Number 132700801 2

Jan 1- Mar 31	Apr 1- Jun 30	July 1- Sep 30	X Oct 1- Dec 31	0 2	Tax Year
1	2	3	4	Y Y	

NYACK COLONIAL CAR WASH, INC.

B. Other wages only reported on this page

C. If seasonal employer, check box

[illegible]

Mail to: NYS EMPLOYMENT TAXES
CHURCH STREET STATION
PO BOX 1417
NEW YORK NY 10008-1417

For office use only
Postmark

Received date

D000039

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**

Employer Legal Name
NYACK COLONIAL CAR WASH, INC.

Jan 1- Mar 31	X	Apr 1- Jun 30	July 1- Sep 30	Oct 1- Dec 31	0 3	Tax Year
2		3	4		Y Y	

C. If seasonal employer, check box

[illegible]

**Mail to: NYS EMPLOYMENT TAXES
CHURCH STREET STATION
PO BOX 1417
NEW YORK NY 10008-1417**

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**



Employer Legal Name
NYACK COLONIAL CAR WASH, INC.

60019912

A. This return covers the period indicated below:

1	2	3	4	Y	Y	Tax Year
Jan 1- Mar 31	Apr 1- Jun 30	X July 1- Sep 30	Oct 1- Dec 31	0	3	

Check applicable box(es):

B. Other wages only reported on this page

C. If seasonal employer, check box

[illegible]

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Postmark

Received date

**Mail to: NYS EMPLOYMENT TAXES
CHURCH STREET STATION
PO BOX 1417
NEW YORK NY 10008-1417**

D000050

NYS-45-ATT
(1/00)Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return-Attachment

60012913

Check applicable box(es):

A. Original or Amended Return

Jan 1 - Mar 31	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	Tax Year
			X	03

1 2 3 4 Y Y

B. Other wages only reported on this page ...

C. If seasonal employer, check box

UI Employer Registration Number 7593675 9

Withholding Identification Number 132700801 2

Employer Legal Name

NYACK COLONIAL CAR WASH, INC.

Quarterly employee/payee wage reporting information			Annual wage and withholding totals If this return is for the 4th quarter or the last return you will be filing for the calendar year, complete columns (d) and (e).	
(a) Social security no.	(b) Last name, first name, middle initial	(c) UI total remuneration/gross wages paid this quarter	(d) Gross wages subject to withholding	(e) Total tax withheld

122-86-1549	MORPCHO FREEDY	2,242.50	8,970.00	46.80
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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Page No. 1 of 1 Total this page only
If first page, enter grand totals
of all pages

[REDACTED]

If you are using a paid preparer or a payroll service, the section below must be completed:

Paid Preparer's Use	Preparer's signature	Telephone number ()	Date	Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN
	Preparer's firm name (or yours, if self-employed)		Address		Preparer's EIN
Payroll service name		Payroll service address		Payroll Service's EIN	

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**

'7593675 9

132700801 2

NYACK COLONIAL CAR WASH, INC.

60019912

A. This return covers the period indicated below:

Jan 1- Mar 31	X	Apr 1- Jun 30	July 1- Sep 30	Oct 1- Dec 31	0 4	Tax Year
2		3	4		Y Y	

Check applicable box(es):

B. Other wages only reported on this page

C. If seasonal employer, check box

[illegible]

**Mail to: NYS EMPLOYMENT TAXES
CHURCH STREET STATION
PO BOX 1417
NEW YORK NY 10008-1417**

For office use only
Postmark

Received date

D000063

**Quarterly Combined Withholding, Wage Reporting
and Unemployment Insurance Return - Attachment**

60429819

Employer Legal Name NYACK COLONIAL CAR WASH, INC.

	Jan 1- Mar 31	Apr 1- Jun 30	July 1- Sep 30	X Oct 1- Dec 31	O 4 Y Y	Tax Year
1	2	3	4			

C. If seasonal employer, mark box

[illegible]

If first page, enter grand totals
of all pages

Received date:

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NYS-45-ATT
(1/05)

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return - Attachment**



60519917

UI Employer registration number 7593675 9

Withholding identification number 132700801 2

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

Jan 1 - Mar 31	X	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	Tax year	0 5 Y Y
1		2	3	4		

Employer legal name **NYACK COLONIAL CAR WASH, INC.** Other wages only reported on this page

C. Seasonal employer

[illegible]

For office use only
Postmark

Received data

**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**

D000076



60519917

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

Jan 1 - Mar 31	Apr 1 - Jun 30	X	July 1 - Sep 30	Oct 1 - Dec 31	Tax year
1	2		3	4	05 Y Y

Employer legal name **NYACK COLONIAL CAR WASH, IN** B. Other wages only reported on this page

C. Seasonal employer

[illegible]

Page No. 1 of 1 Total this page only
If first page, enter grand totals
of all pages

For office use only
Postmark

Received date

**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**

D000080

Mark an **X** in the applicable box(es):

A. This return covers the period indicated below:

Jan 1 - Mar 31 Apr 1 - Jun 30 July 1 - Sep 30 Oct 1 - Dec 31 Tax year

1 2 3 4 0 5
Y Y

B. Other wages only reported on this page

C. Seasonal employer

Page No. 1 of 1 Total this page only
If first page, enter grand totals
of all pages

Daytime telephone number
()

**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**

D000084

NYS-45-ATT
(1/05)

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return - Attachment**



60519917

UI Employer registration number 7593675 9

Withholding Identification number 132700801 2

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

Jan 1 - Mar 31	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	X	Tax year	0 5 Y Y
1	2	3	4			

Employer legal name **NYACK COLONIAL CAR WASH, I** B. Other wages only reported on this page

C. Seasonal employer

[illegible]

Page No. 1 of 1 Total this page only
If first page, enter grand totals
of all pages

Contact information (see instructions)	Name	Daytime telephone number ()
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**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**

For office use only
Postmark

Received date

D000088

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return-Attachment**

60619914

A. This return covers the period indicated below:

Withholding identification number 132700801 2

Jan 1 - Mar 31	X	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	Tax year	0 6
1		2	3	4	Y Y	

Employer legal name **NYACK COLONIAL CAR WASH, INC.**, Other wages only reported on this page

C. Seasonal employer

[illegible]

Contact information (see instructions)	Name	Daytime telephone number ()
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Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

For office use only
Postmark

Received date

D000094

**Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return- Attachment**

60619914

UI Employer registration number 7593675 9

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

Withholding identification number 132700801 2

Jan 1 - Mar 31	Apr 1 - Jun 30	X	July 1 - Sep 30	Oct 1 - Dec 31	Tax year	0 6 Y Y
1	2		3	4		

Employer legal name **NYACK COLONIAL CAR WASH, INCB.** Other wages only reported on this page

C. Seasonal employer

[illegible]

For office use only
Postmark

Received date

**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**



D000098

Jan 1 - Mar 31	Apr 1 - Jun 30	July 1 - Sep 30	X Oct 1 - Dec 31	Tax year	0 6 Y Y
1	2	3	4		

C. Seasonal employer

Contact information (see instructions)	Name	Daytime telephone number ()
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A. This return covers the period indicated below:

Jan 1 - Mar 31	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	Tax year
1	2	3	4	Y Y

C. Seasonal employer

**If first page, enter grand totals
of all pages.....**

 D000117

Page 20 of 32

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

Jan 1 - Mar 31	Apr 1 - Jun 30	July 1 - Sep 30	Oct 1 - Dec 31	X	Tax year	0 6 Y Y
1	2	3	4			

C. Seasonal employer

Page No. 1 of 1 Total this page only

If first page, enter grand totals of all pages.....

Contact information (see instructions)	Name
---	------

Daytime telephone number	()
--------------------------	-----

Received date

**Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119**

D000106

Quarterly Combined Withholding, Wage Reporting,
And Unemployment Insurance Return-Attachment



60629913

Mark an X in the applicable box(es):

A. This return covers the period indicated below:

UI Employer registration number

7593675 9

Withholding identification number

132700801 2

Jan 1 -
Mar 31

X

APR 1 -
JUN 30

July 1 -
Sep 30

5

Oct 1 -
Dec 31

3

Tax
year

0

7

Employer legal name

NYACK COLONIAL CAR WASH, IN

B. Other wages only reported on this page

C. Seasonal employer

[illegible]

For office use only
Postmark

Received date

Mail to: NYS EMPLOYMENT TAXES
PO BOX 4119
BINGHAMTON NY 13902-4119

D000113

EXHIBIT J

Form 1120 Department of the Treasury Internal Revenue Service	U.S. Corporation Income Tax Return For calendar year 2000 or tax year beginning <u>07/01</u> , 2000, ending <u>06/30</u> , 20 <u>01</u> ▶ Instructions are separate. See page 1 for Paperwork Reduction Act Notice.	OMB No. 1545-0123 <div style="font-size: 2em; font-weight: bold;">2000</div>
A Check if a: 1 Consolidated return (attach Form 851) <input type="checkbox"/> 2 Personal holding co. (attach Sch. PH) <input type="checkbox"/> 3 Personal service corp. (as defined in Temporary Regs. sec. 1.441-4T—see instructions) <input type="checkbox"/>	Use IRS label. Otherwise, print or type. Name NYACK COLONIAL CAR WASH, INC. Number, street, and room or suite no. (If a P.O. box, see page 7 of instructions.) POLHEMUS STREET City or town, state, and ZIP code NYACK, NY 10960	B Employer identification number 13 : 2700801 C Date incorporated 12/23/1970 D Total assets (see page 8 of instructions)
E Check applicable boxes: (1) <input type="checkbox"/> Initial return (2) <input type="checkbox"/> Final return (3) <input type="checkbox"/> Change of address		
Income	1a Gross receipts or sales 390,539 2 Cost of goods sold (Schedule A, line 8) 3 Gross profit. Subtract line 2 from line 1c 4 Dividends (Schedule C, line 19) 5 Interest 6 Gross rents 7 Gross royalties 8 Capital gain net income (attach Schedule D (Form 1120)) 9 Net gain or (loss) from Form 4797, Part II, line 18 (attach Form 4797) 10 Other income (see page 8 of instructions—attach schedule) 11 Total income. Add lines 3 through 10	c Bal ▶ 1c 390,539 2 38,000 3 352,539 4 5 6 7 8 9 10 11 352,539
Deductions (See instructions for limitations on deductions.)	12 Compensation of officers (Schedule E, line 4) 13 Salaries and wages (less employment credits) 14 Repairs and maintenance 15 Bad debts 16 Rents 17 Taxes and licenses 18 Interest 19 Charitable contributions (see page 11 of instructions for 10% limitation) 20 Depreciation (attach Form 4562) 6,382 21 Less depreciation claimed on Schedule A and elsewhere on return 22 Depletion 23 Advertising 24 Pension, profit-sharing, etc., plans 25 Employee benefit programs 26 Other deductions (attach schedule) 27 Total deductions. Add lines 12 through 26 28 Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11 29 Less: a Net operating loss (NOL) deduction (see page 13 of instructions) 29a b Special deductions (Schedule C, line 20) 29b	12 13 43,467 14 2,774 15 16 102,125 17 16,117 18 19 20 21a 6,382 21b 6,382 22 23 24 25 9,652 26 172,603 27 353,120 28 -581 29a 29b 29c
Tax and Payments	30 Taxable income. Subtract line 29c from line 28 31 Total tax (Schedule J, line 11) 32 Payments: a 1999 overpayment credited to 2000 32a b 2000 estimated tax payments 32b c Less 2000 refund applied for on Form 4466 32c d Bal ▶ 32d e Tax deposited with Form 7004 32e f Credit for tax paid on undistributed capital gains (attach Form 2439) 32f g Credit for Federal tax on fuels (attach Form 4136). See instructions 32g 33 Estimated tax penalty (see page 14 of instructions). Check if Form 2220 is attached <input type="checkbox"/> 34 Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed 35 Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid 36 Enter amount of line 35 you want: Credited to 2001 estimated tax ▶ Refunded ▶	30 -581 31 0 32a 32b 32c 32d 32e 32f 32g 32h 33 0 34 0 35 36
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		
Sign Here	Signature of officer _____ Date _____ Title _____	
Paid Preparer's Use Only	Preparer's signature _____ Date 08/23/2001 Check if self-employed <input type="checkbox"/> Preparer's SSN or PTIN 107-46-1248 Firm's name (or yours if self-employed) J & M Enterprises, LTD. EIN 06 : 1273459 address, and ZIP code P.O. Box 1063, Carmel, New York 10512 Phone no. (845) 225-3140	

Form **1120**
Department of the Treasury
Internal Revenue Service

U.S. Corporation Income Tax Return

For calendar year 2001 or tax year beginning 07/01, 2001, ending 06/30, 2002.
▶ Instructions are separate. See page 20 for Paperwork Reduction Act Notice.

2001

A Check if a: 1 Consolidated return (attach Form 851) <input type="checkbox"/> 2 Personal holding co. (attach Sch. PH) <input type="checkbox"/> 3 Personal service corp. (as defined in Temporary Regs. sec. 1.441-4T—see instructions) <input type="checkbox"/>	Use IRS label. Otherwise, print or type.	Name NYACK COLONIAL CAR WASH, INC.	B Employer identification number 13 2700801
		Number, street, and room or suite no. (If a P.O. box, see page 7 of instructions.) POLHEMUS STREET	C Date incorporated 12/23/1970
		City or town, state, and ZIP code NYACK, NY 10960	D Total assets (see page 8 of instructions)

E Check applicable boxes: (1) <input type="checkbox"/> Initial return (2) <input type="checkbox"/> Final return (3) <input type="checkbox"/> Name change (4) <input type="checkbox"/> Address change		\$ 40,989					
Income	1a Gross receipts or sales	468,003	b Less returns and allowances		c Bal ▶	1c	468,003
	2 Cost of goods sold (Schedule A, line 8)					2	36,000
	3 Gross profit. Subtract line 2 from line 1c					3	432,003
	4 Dividends (Schedule C, line 19)					4	
	5 Interest					5	
	6 Gross rents					6	
	7 Gross royalties					7	
	8 Capital gain net income (attach Schedule D (Form 1120))					8	
	9 Net gain or (loss) from Form 4797, Part II, line 18 (attach Form 4797)					9	
	10 Other income (see page 8 of instructions—attach schedule)					10	
	11 Total income. Add lines 3 through 10					11	432,003
Deductions (See instructions for limitations on deductions.)	12 Compensation of officers (Schedule E, line 4)					12	
	13 Salaries and wages (less employment credits)					13	80,745
	14 Repairs and maintenance					14	1,298
	15 Bad debts					15	
	16 Rents					16	146,375
	17 Taxes and licenses					17	18,599
	18 Interest					18	
	19 Charitable contributions (see page 10 of instructions for 10% limitation)					19	
	20 Depreciation (attach Form 4562)	20	8,417				
	21 Less depreciation claimed on Schedule A and elsewhere on return	21a				21b	8,417
	22 Depletion					22	
	23 Advertising					23	150
	24 Pension, profit-sharing, etc., plans					24	
	25 Employee benefit programs					25	8,155
	26 Other deductions (attach schedule)					26	162,409
	27 Total deductions. Add lines 12 through 26					27	426,148
	28 Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28	5,855
	29 Less: a Net operating loss (NOL) deduction (see page 13 of instructions)	29a	5,855			29c	5,855
b Special deductions (Schedule C, line 20)	29b						
Tax and Payments	30 Taxable income. Subtract line 29c from line 28					30	0
	31 Total tax (Schedule J, line 11)					31	0
	32 Payments: a 2000 overpayment credited to 2001	32a					
	b 2001 estimated tax payments	32b					
	c Less 2001 refund applied for on Form 4466	32c					
	d Bal ▶	32d					
	e Tax deposited with Form 7004	32e					
	f Credit for tax paid on undistributed capital gains (attach Form 2439)	32f					
	g Credit for Federal tax on fuels (attach Form 4136). See instructions	32g				32h	
	33 Estimated tax penalty (see page 14 of instructions). Check if Form 2220 is attached					33	
34 Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed					34	0	
35 Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid					35		
36 Enter amount of line 35 you want: Credited to 2002 estimated tax ▶ Refunded ▶					36		

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this return with the preparer shown below (see instructions)? ☒ Yes ☐ No

Paid Preparer's Use Only

Preparer's signature

Date

Check if self-employed ☐

Preparer's SSN or PTIN

08/23/2002

107-46-1248

Firm's name (or yours if self-employed), address, and ZIP code

J & M Enterprises, LTD.
P O Box 1063, Carmel, NY 10512

EIN 06 1273459

Phone no. (845) 225-3140

1120**U.S. Corporation Income Tax Return**

OMB No. 1545-0123

Form
Department of the Treasury
Internal Revenue ServiceFor calendar year 2002 or tax year beginning 07/01, 2002, ending 06/30, 2003.

▶ Instructions are separate. See page 20 for Paperwork Reduction Act Notice.

2002**A Check if a:**

- 1 Consolidated return (attach Form 851) ☐
- 2 Personal holding co. (attach Sch. PH) ☐
- 3 Personal service corp. (as defined in Regulations sec. 1.441-3(c)—see instructions) ☐

Use
IRS
label.
Other-
wise,
print or
type.

Name

NYACK COLONIAL CAR WASH. INC.

Number, street, and room or suite no. (If a P.O. box, see page 7 of instructions.)

POLHEMUS STREET

City or town, state, and ZIP code

NYACK, NY 10960**B Employer identification number****13 : 2700801****C Date incorporated****12/23/1970****D Total assets (see page 8 of instructions)****E Check applicable boxes:** (1) ☐ Initial return (2) ☐ Final return (3) ☐ Name change (4) ☐ Address change \$ **24,681**

Income	1a	Gross receipts or sales	450,087	b	Less returns and allowances		c Bal ▶	1c	450,087
	2	Cost of goods sold (Schedule A, line 8)						2	30,000
	3	Gross profit. Subtract line 2 from line 1c						3	420,087
	4	Dividends (Schedule C, line 19)						4	
	5	Interest						5	
	6	Gross rents						6	
	7	Gross royalties						7	
	8	Capital gain net income (attach Schedule D (Form 1120))						8	
	9	Net gain or (loss) from Form 4797, Part II, line 18 (attach Form 4797)						9	
	10	Other income (see page 9 of instructions—attach schedule)						10	
	11	Total income. Add lines 3 through 10						11	420,087
Deductions (See instructions for limitations on deductions.)	12	Compensation of officers (Schedule E, line 4)						12	0
	13	Salaries and wages (less employment credits)						13	95,562
	14	Repairs and maintenance						14	1,877
	15	Bad debts						15	
	16	Rents						16	138,795
	17	Taxes and licenses						17	23,094
	18	Interest						18	
	19	Charitable contributions (see page 11 of instructions for 10% limitation)						19	
	20	Depreciation (attach Form 4562)			8,265				
	21a	Less depreciation claimed on Schedule A and elsewhere on return					21b	8,265	
	22	Depletion					22		
	23	Advertising					23		
	24	Pension, profit-sharing, etc., plans					24		
	25	Employee benefit programs					25	7,871	
	26	Other deductions (attach schedule)					26	167,435	
	27	Total deductions. Add lines 12 through 26					27	442,899	
	28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28	-22,812	
29a	Less: a Net operating loss (NOL) deduction (see page 13 of instructions)					29c			
29b	b Special deductions (Schedule C, line 20)					29c			
Tax and Payments	30	Taxable income. Subtract line 29c from line 28					30	-22,812	
	31	Total tax (Schedule J, line 11)					31	0	
	32a	Payments: a 2001 overpayment credited to 2002							
	32b	b 2002 estimated tax payments							
	32c	c Less 2002 refund applied for on Form 4466							
	32d	d Bal ▶							
	32e	e Tax deposited with Form 7004							
	32f	f Credit for tax paid on undistributed capital gains (attach Form 2439)							
	32g	g Credit for Federal tax on fuels (attach Form 4136). See instructions					32h		
	33	Estimated tax penalty (see page 14 of instructions). Check if Form 2220 is attached <input type="checkbox"/>					33		
	34	Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed					34	0	
35	Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid					35			
36	Enter amount of line 35 you want: Credited to 2003 estimated tax ▶ Refunded ▶					36			

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this return with the preparer shown below (see instructions)? ☒ Yes ☐ No**Paid Preparer's Use Only**

Preparer's signature

Date

Check if self-employed ☐

Preparer's SSN or PTIN

107-46-1248

Firm's name (or yours if self-employed), address, and ZIP code

J & M Enterprises, LTD
P.O. Box 1063 Carmel, NY 10512EIN **06 : 1273459**Phone no. **(845) 225-3140**

U.S. Corporation Income Tax Return

OMB No. 1545-0123

Form 1120

For calendar year 2003 or tax year beginning 7/01/03, ending 6/30/04

2003

Department of the Treasury
Internal Revenue Service

▶ Instructions are separate. See page 20 for Paperwork Reduction Act Notice.

A Check if a:

- 1 Consolidated return (attach Form 851) ☐
- 2 Personal holding co. (attach Sch. PH) ☐
- 3 Personal service corp. (as defined in Regulations sec. 1.441-3(c)- see instructions) ☐

Use
IRS
label.
Other-
wise,
print or
type.

Name Number, street, and room or suite no. City or town, state, and ZIP code

NYACK COLONIAL CAR WASH, INC.

POLHEMUS STREET

NYACK NY 10960

B Employer identification number
13-2700801

C Date incorporated
12/23/70

D Total assets (see page 8 of instructions)
20,198

E Check applicable boxes:

(1) Initial return (2) Final return (3) Name change (4) Address change \$

Income	1a	Gross rcpt./sales	456,431	b	Less returns & allowances		c	Bal ▶	1c	456,431
	2	Cost of goods sold (Schedule A, line 8)					2	30,875		
	3	Gross profit. Subtract line 2 from line 1c				3	425,556			
	4	Dividends (Schedule C, line 19)				4				
	5	Interest				5				
	6	Gross rents				6				
	7	Gross royalties				7				
	8	Capital gain net income (attach Sch. D (Form 1120))				8				
	9	Net gain or (loss) from Form 4797, Part II, line 18 (attach Form 4797)				9				
	10	Other income (see page 9 of Instructions-attach schedule)				10				
	11	Total income. Add lines 3 through 10				11	425,556			
Deductions (See Instructions for limitations on deductions.)	12	Compensation of officers (Schedule E, line 4)				12	32,240			
	13	Salaries and wages (less employment credits)				13	51,906			
	14	Repairs and maintenance				14	1,492			
	15	Bad debts				15				
	16	Rents				16	126,500			
	17	Taxes and licenses				17	21,330			
	18	Interest				18				
	19	Charitable contributions (see page 11 of instructions for 10% limitation)			Stmt. 1	19	0			
	20	Depreciation (attach Form 4562)			20	4,781				
	21	Less depreciation claimed on Schedule A and elsewhere on return			21a		21b	4,781		
	22	Depletion				22				
23	Advertising				23	997				
24	Pension, profit-sharing, etc., plans				24					
25	Employee benefit programs				25	11,130				
26	Other deductions (attach schedule)			See Stmt 2	26	177,775				
27	Total deductions. Add lines 12 through 26				27	428,151				
28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11				28	-2,595				
Tax and Payments	29	Less: a Net operating loss (NOL) deduction (see page 13 of instructions)	29a			29c				
		b Special deductions (Schedule C, line 20)	29b							
	30	Taxable income. Subtract line 29c from line 28				30	-2,595			
	31	Total tax (Schedule J, line 11)				31	0			
	32	Payments: a 2002 overpayment credited to 2003	32a							
		b 2003 estimated tax payments	32b							
		c Less 2003 refund applied for on Form 4466	32c							
		d Bal ▶	32d							
		e Tax deposited with Form 7004	32e							
		f Credit for tax paid on undistributed capital gains (attach Form 2439)	32f							
		g Credit for Federal tax on fuels (attach Form 4136). See instructions	32g			32h				
33	Estimated tax penalty (see page 14 of instructions). Check if Form 2220 is attached				33					
34	Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed				34					
35	Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid				35					
36	Enter amt. of line 35 you want: Credited to 2004 estimated tax ▶				36					

Sign
Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

May the IRS discuss this return with the preparer shown below (see instr.)? ☒ Yes ☐ No

Signature of officer **GEORGE KELLY**

Date

Title

Paid
Preparer's
Use OnlyPreparer's
signature

Date

Check if
self-employed ☐

Preparer's SSN or PTIN

Firm's name (or yours
if self-employed),
address, and ZIP code

J & M Enterprises, LTD.
PO Box 1063
Carmel, NY

10512-1063

Phone no.

845-225-3140

A Check if: 1 Consolidated return (attach Form 851) 2 Personal holding co. (attach Sch. PH) 3 Personal service corp. (see instructions) 4 Schedule M-3 required (attach Sch. M-3)	Use IRS label. Otherwise, print or type.	Name If a P.O. box, see page 9 of instructions. NYACK CAR WASH POLHEMUS STREET NYACK NY 10960	City or town, state, and ZIP code	B Employer identification number 13-2700801
C Date incorporated 12/23/1970				D Total assets (see page 8 of instructions) \$ 22,445
E Check if: (1) Initial return (2) Final return (3) Name change (4) Address change				

Income	1a Gross receipts/sales	470,838	b Less returns & allowances		c Bal	1c	470,838
	2 Cost of goods sold (Schedule A, line 8)					2	24,000
	3 Gross profit. Subtract line 2 from line 1c					3	446,838
	4 Dividends (Schedule C, line 19)					4	
	5 Interest					5	
	6 Gross rents					6	
	7 Gross royalties					7	
	8 Capital gain net income (attach Sch. D (Form 1220))					8	
	9 Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)					9	
	10 Other income (see page 11 of instructions-attach schedule)					10	
	11 Total income. Add lines 3 through 10					11	446,838
Deductions (See instructions for limitations on deductions.)	12 Compensation of officers (Schedule E, line 4)					12	41,600
	13 Salaries and wages (less employment credits)					13	50,420
	14 Repairs and maintenance					14	584
	15 Bad debts					15	
	16 Rents					16	122,500
	17 Taxes and licenses					17	24,027
	18 Interest					18	1,154
	19 Charitable contributions (see page 14 of instructions for 10% limitation)			See Stmt 1		19	0
	20 Depreciation (attach Form 4562)		20	10,380			
	21 Less depreciation claimed on Schedule A and elsewhere on return		21a		21b	10,380	
	22 Depletion				22		
	23 Advertising				23	347	
	24 Pension, profit-sharing, etc., plans				24		
	25 Employee benefit programs				25	10,880	
26 Other deductions (attach schedule)			See Stmt 2	26	181,728		
27 Total deductions. Add lines 12 through 26				27	443,620		
28 Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11				28	3,218		
29 Less: a Net operating loss deduction (see page 16 of instructions)		29a	3,218				
b Special deductions (Schedule C, line 20)		29b		29c	3,218		
30 Taxable income. Subtract line 29c from line 28 (see instructions if Schedule C, line 12, was completed)				30	0		
31 Total tax (Schedule J, line 11)				31	0		
Tax and Payments	32 Payments: a 2003 overpayment credited to 2004	32a					
	b 2004 estimated tax payments	32b					
	c Less 2004 refund applied for on Form 4466	32c					
	d Bal	32d					
	e Tax deposited with Form 7004	32e					
	f Credit for tax paid on undistributed capital gains (attach Form 2439)	32f					
	g Credit for Federal tax on fuels (attach Form 4136). See instructions	32g			32h		
	33 Estimated tax penalty (see page 17 of instructions). Check if Form 2220 is attached				33		
	34 Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed				34		
	35 Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid				35		
36 Enter amt. of line 35 you want: Credited to 2005 estimated tax				36			

Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		May the IRS discuss this return with the preparer shown below (see instr.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	Signature of officer	Timothy Weigel	Date	8/22/05
Paid Preparer's Use Only	Preparer's signature	Firm's name (or yours if self-employed), address, and ZIP code	Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN
		J & M Enterprises, LTD.		107-46-1248
		PO Box 1063	EIN	06-1273459
		Carmel, NY 10512-1063	Phone no.	845-225-3140

Form 1120
Department of the Treasury
Internal Revenue ServiceFor calendar year 2005 or tax year beginning 7/01/05, ending 6/30/06
See separate instructions.

2005

A Check if: 1 Consolidated return (attach Form 851) 2 Personal holding co. (attach Sch. PH) 3 Personal service corp. (see instructions) 4 Schedule M-3 required (attach Sch. M-3)	Use IRS label. Otherwise, print or type.	Name	Number, street, and room or suite no. if a P.O. box, see instructions.	City or town, state, and ZIP code	B Employer identification number
		NYACK CAR WASH			13-2700801
		POLHEMUS STREET			C Date incorporated
		NYACK NY 10960			12/23/1970
D Total assets (see instructions)					\$ 27,386

E Check if: (1)	Initial return (2)	Final return (3)	Name change (4)	Address change	\$	27,386
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Income	1a	Gross receipts/sales	459,025	b Less returns & allowances		c Bal	1c	459,025
	2	Cost of goods sold (Schedule A, line 8)					2	24,000
	3	Gross profit. Subtract line 2 from line 1c					3	435,025
	4	Dividends (Schedule C, line 19)					4	
	5	Interest					5	
	6	Gross rents					6	
	7	Gross royalties					7	
	8	Capital gain net income (attach Sch. D (Form 1120))					8	
	9	Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)					9	
	10	Other income (see instructions-attach schedule)					10	
	11	Total income. Add lines 3 through 10					11	435,025
Deductions (See instructions for limitations on deductions.)	12	Compensation of officers (Schedule E, line 4)					12	44,200
	13	Salaries and wages (less employment credits)					13	50,940
	14	Repairs and maintenance					14	3,530
	15	Bad debts					15	
	16	Rents					16	115,560
	17	Taxes and licenses					17	24,076
	18	Interest					18	168
	19	Charitable contributions (see instructions for 10% limitation)					19	0
	20a	Depreciation (attach Form 4562)	20a	5,573				
	b	Less depreciation claimed on Schedule A and elsewhere on return	20b				20c	5,573
	21	Depletion					21	
	22	Advertising					22	200
	23	Pension, profit-sharing, etc., plans					23	
	24	Employee benefit programs					24	11,367
	25	Domestic production activities deduction (attach Form 8903)					25	
	26	Other deductions (attach schedule)					26	158,637
	27	Total deductions. Add lines 12 through 26					27	414,251
	28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28	20,774
Tax and Payments	29	Less: a Net operating loss deduction (see instructions)	29a	20,774				
	b	Special deductions (Schedule C, line 20)	29b				29c	20,774
	30	Taxable income. Subtract line 29c from line 28 (see instructions if Schedule C, line 12, was completed)					30	0
	31	Total tax (Schedule J, line 11)					31	0
	32	Payments: a 2004 overpayment credited to 2005	32a					
	b	2005 estimated tax payments	32b					
c	Less 2005 refund applied for on Form 4466	32c				d Bal	32d	
e	Tax deposited with Form 7004					32e		
f	Credits: (1) Form 2439 (2) Form 4136					32f		
33	Estimated tax penalty (see instructions). Check if Form 2220 is attached					33		
34	Tax due. If line 32g is smaller than the total of lines 31 and 33, enter amount owed					34		
35	Overpayment. If line 32g is larger than the total of lines 31 and 33, enter amount overpaid					35		
36	Enter amt. of line 35 you want: Credited to 2006 estimated tax					36		

Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		May the IRS discuss this return with the preparer shown below (see instr.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	Signature of officer	GEORGE KELLY	Date	
Paid Preparer's Use Only	Preparer's signature	Date	9/12/06	Check if self-employed <input type="checkbox"/>
	Firm's name (or yours if self-employed), address, and ZIP code	J & M ENTERPRISES, LTD. PO BOX 1063 CARMEL, NY 10512-1063	EIN	06-1273459
			Preparer's SSN or PTIN	107-46-1248
			Phone no.	845-225-3140

Form **1120**
Department of the Treasury
Internal Revenue Service

U.S. Corporation Income Tax Return

For calendar year 2006 or tax year beginning **7/01/06**, ending **6/30/07**

See separate instructions.

2006

A Check if: 1 Consolidated return (attach Form 851) 2 Personal holding co. (attach Sch. PH) 3 Personal service corp. (see instructions) 4 Schedule M-3 required (attach Sch. M-3)		Use IRS label. Otherwise, print or type.	Name Number, street, and room or suite no. If a P.O. box, see instructions. NYACK CAR WASH POLHEMUS STREET NYACK NY 10960	City or town, state, and ZIP code NY 10960	B Employer identification number 13-2700801	C Date incorporated 12/23/1970	D Total assets (see instructions) 21,844
E Check if: (1) Initial return (2) Final return (3) Name change (4) Address change							
Income	1a	Gross receipts or sales	451,625	b Less returns and allowances		c Bal	1c 451,625
	2	Cost of goods sold (Schedule A, line 8)					2 22,000
	3	Gross profit. Subtract line 2 from line 1c					3 429,625
	4	Dividends (Schedule C, line 19)					4
	5	Interest					5
	6	Gross rents					6
	7	Gross royalties					7
	8	Capital gain net income (attach Schedule D (Form 1120))					8
	9	Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)					9
	10	Other income (see instructions-attach schedule)					10
	11	Total income. Add lines 3 through 10					11 429,625
Deductions (See instructions for limitations on deductions.)	12	Compensation of officers (Schedule E, line 4)					12 44,200
	13	Salaries and wages (less employment credits)					13 60,618
	14	Repairs and maintenance					14 284
	15	Bad debts					15
	16	Rents					16 116,625
	17	Taxes and licenses					17 26,876
	18	Interest					18
	19	Charitable contributions					19
	20	Depreciation from Form 4562 not claimed on Schedule A or elsewhere on return (attach Form 4562)					20 3,768
	21	Depletion					21
	22	Advertising					22 450
	23	Pension, profit-sharing, etc., plans					23
	24	Employee benefit programs					24 12,920
	25	Domestic production activities deduction (attach Form 8903)					25
	26	Other deductions (attach schedule)		SEE STMT 1			26 157,759
	27	Total deductions. Add lines 12 through 26					27 423,500
	28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28 6,125
	29	Less: a Net operating loss deduction (see instructions)	29a	6,125			
b Special deductions (Schedule C, line 20)		29b				29c 6,125	
Tax and Payments	30	Taxable income. Subtract line 29c from line 28 (see instructions)					30 0
	31	Total tax (Schedule J, line 10)					31 0
	32a	2005 overpayment credited to 2006	32a				
	b	2006 estimated tax payments	32b				
	c	2006 refund applied for on Form 4466	32c				
	d	Tax deposited with Form 7004	32d				
	e	Tax credits:	32e				
	f	(1) Form 2439 (2) Form 4136	32f				
	g	Credit for federal telephone excise tax paid (attach Form 8913)	32g				32h
	33	Estimated tax penalty (see instructions). Check if Form 2220 is attached					33
	34	Amount owed. If line 32h is smaller than the total of lines 31 and 33, enter amount owed					34
	35	Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid					35
36	Enter amount of line 35 you want: Credited to 2007 estimated tax Refunded					36	
Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.						May the IRS discuss this return with the preparer shown below (see instr.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Signature of officer GEORGE KELLY Date						Title
Paid Preparer's Use Only	Preparer's signature		Date 9/10/07		Check if self-employed <input type="checkbox"/>	Preparer's SSN or PTIN 107-46-1248	
	Firm's name (or yours if self-employed), address, and ZIP code J & M ENTERPRISES, LTD. PO BOX 1063 CARMEL, NY 10512-1063				EIN 06-1273459 Phone no. 845-225-3140		

EXHIBIT K

<p>1 2 UNITED STATE DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 -----X 5 FREDDY M. MOROCHO, WALTER TACURE on 6 behalf of themselves and others similarly 7 situated, 8 Plaintiff(s), 9 - against - Index # 07 CIV. 2979 10 GEORGE C. KELLY and NYACK COLONIAL 11 CAR WASH, INC., 12 Defendant(s). -----X 13 Karen Zdanis, Esq. 14 20 North Broadway, Suite 5 15 Nyack, New York, 10960 16 January 15, 2008 17 12:00 PM 18 EXAMINATION BEFORE TRIAL of GEORGE 19 KELLY, the Defendant herein, taken by the 20 attorney for the Plaintiff, pursuant to Notice, 21 and held before Kathleen Anderson, a Notary 22 Public of the State of New York, at the above 23 stated time and place. 24 * * * 25</p>	<p>1 2 IT IS HEREBY STIPULATED AND AGREED by and 3 between the attorneys for the respective 4 parties hereto, that the sealing, filing and 5 certification of the transcript of the within 6 examination before trial be, and the same 7 hereby are waived; and that said transcript 8 may be signed and sworn to before any Notary 9 Public or Commissioner of Deeds with the same 10 force and effect as if before an officer of 11 this Court. 12 IT IS FURTHER STIPULATED AND AGREED that 13 all objections, except as to the form of the 14 question, are reserved to the trial of this 15 action. 16 17 18 19 20 21 22 23 24 25</p>
<p>1 2 APPEARANCES: 3 KAREN ZDANIS, ESQ. 4 Attorney for Plaintiff(s) 5 20 North Broadway Suite 5 6 Nyack, New York, 10960 7 BY: KAREN ZDANIS, ESQ. 8 9 10 LAW OFFICES OF KARL J. STOECKER 11 Attorney for Plaintiff(s) 12 18 East 41 Street Suite 1501 13 New York, New York, 10017 14 BY: KARL J. STOECKER, ESQ. 15 16 GEHRIG & SATRIALE, LLC 17 Attorney for Defendant(s) 18 370 Lexington Avenue Suite 1200 19 New York, New York, 10017 20 BY: LOUIS SATRIALE, ESQ. 21 22 23 ALSO PRESENT: 24 FREDDY MOROCHO 25 (12:00 - 1:10 PM)</p>	<p>1 2 G. KELLY 3 GEORGE KELLY, 4 The witness herein, having been first 5 duly sworn by Kathleen Anderson, a Notary 6 Public in and for the State of New York, was 7 examined, and testified as follows: 8 DIRECT EXAMINATION BY KARL STOECKER, ESQ.: 9 Q What is your name? 10 A George Kelly. 11 Q What is your address? 12 A 135 Goebel Road, New City, New York, 13 10956. 14 Q Mr. Kelly, my name is Karl Stoecker, 15 I'm one of the attorneys for the Plaintiff in 16 this case. I will be asking you a series of 17 questions-- 18 A Okay. 19 Q About the case-- 20 A Right. 21 Q And about this car wash-- 22 A Okay. 23 Q Or car washes, and if you don't 24 understand any of the questions, just let me 25 know? A Right.</p>

MOROCHO VS KELLY

1/15/08

GEORGE KELLY

<p style="text-align: right;">5</p> <p>1 G. KELLY</p> <p>2 Q And I will rephrase the question or</p> <p>3 try to reword it so it's comprehensible.</p> <p>4 A Okay.</p> <p>5 Q If you do answer it, we will assume</p> <p>6 that you understood it, and it is also very</p> <p>7 important that you answer verbally rather than</p> <p>8 by nodding your head and so on.</p> <p>9 A I understand.</p> <p>10 Q So the Court Reporter can get it</p> <p>11 down. All the questions are under oath, you've</p> <p>12 sworn to tell the truth.</p> <p>13 A Right.</p> <p>14 Q I take it you are a former police</p> <p>15 officer?</p> <p>16 A That's correct.</p> <p>17 Q So you're aware of the consequences</p> <p>18 of not telling the truth?</p> <p>19 A Yes, I do.</p> <p>20 Q Any questions about how we are going</p> <p>21 to proceed today?</p> <p>22 A No.</p> <p>23 Q Are you currently employed?</p> <p>24 A Yes, I am.</p> <p>25 Q And where do you work?</p>	<p style="text-align: right;">7</p> <p>1 G. KELLY</p> <p>2 Q How do you spell that, please?</p> <p>3 A M I N E R.</p> <p>4 Q Is he the sole owner?</p> <p>5 A No, he's not.</p> <p>6 Q Does he have partners?</p> <p>7 A Yes, he does.</p> <p>8 Q And who are they?</p> <p>9 A One partner is John Weigel.</p> <p>10 Q How do you spell that?</p> <p>11 A W E I G E L.</p> <p>12 Q Okay.</p> <p>13 A And Timmy Weigel.</p> <p>14 Q Is that Timothy?</p> <p>15 A Yeah.</p> <p>16 Q Spelled the same way, the last name?</p> <p>17 A Right.</p> <p>18 Q Do you know what the relationship, if</p> <p>19 any, of Mr. Miner to the Weigels, are they --</p> <p>20 A Friends.</p> <p>21 Q Weigels, I take it are related?</p> <p>22 A Yes, father and son.</p> <p>23 Q Which one is the father?</p> <p>24 A John.</p> <p>25 Q Do you know if they -- is Nyack Soft</p>
<p style="text-align: right;">6</p> <p>1 G. KELLY</p> <p>2 A Nyack Soft Cloth Car Wash.</p> <p>3 Q And how long have you worked there?</p> <p>4 A Approximately eight years.</p> <p>5 Q Is that your first job after you left</p> <p>6 the force?</p> <p>7 A No, it's not.</p> <p>8 Q Where did you work before that?</p> <p>9 A I bartended, you mean before the car</p> <p>10 wash?</p> <p>11 Q Yes.</p> <p>12 A I bartended, I was a maintenance</p> <p>13 supervisor in the Florida Keys. And that's</p> <p>14 about it.</p> <p>15 Q How did it come about that you got</p> <p>16 the job at Nyack Soft Cloth Car Wash?</p> <p>17 A Through my father-in-law.</p> <p>18 Q How did that happen?</p> <p>19 A He asked me if I wanted to work at</p> <p>20 the car wash and I said sure.</p> <p>21 Q What is his relationship with the car</p> <p>22 wash?</p> <p>23 A He is the owner.</p> <p>24 Q What's his name?</p> <p>25 A James Miner.</p>	<p style="text-align: right;">8</p> <p>1 G. KELLY</p> <p>2 Cloth Car Wash, is that the trade name of the</p> <p>3 car wash?</p> <p>4 A Well, it's Nyack Colonial Car Wash.</p> <p>5 Q So where does the Soft Cloth come in?</p> <p>6 A I think that's just -- Soft Cloth is</p> <p>7 just the name on the sign, I think, really, I</p> <p>8 think that's where it comes from, I mean it</p> <p>9 used to be Bristles years ago, now they are</p> <p>10 Soft Cloth.</p> <p>11 Q So if you go to the car wash, the</p> <p>12 sign outside said Soft Cloth?</p> <p>13 A Nyack Soft Cloth. It just says Soft</p> <p>14 Cloth Car Wash.</p> <p>15 Q Is it Nyack Colonial Car Wash, Inc?</p> <p>16 A There is a corporation, Nyack</p> <p>17 Colonial, Inc. I'm not sure, but it's Nyack</p> <p>18 Colonial Incorporated.</p> <p>19 Q Is there one corporation that you</p> <p>20 know of?</p> <p>21 A There's two corporations.</p> <p>22 Q What's the first one?</p> <p>23 A That would be J and J Incorporated.</p> <p>24 Q Okay.</p> <p>25 A And then there's Nyack Colonial.</p>

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<p style="text-align: right;">9</p> <p>1 G. KELLY</p> <p>2 Q Nyack Colonial?</p> <p>3 A Car Wash.</p> <p>4 Q Car Wash, Inc?</p> <p>5 A I would think so, yes.</p> <p>6 MR. SATRIALE: Don't guess. George,</p> <p>7 if you know, you know.</p> <p>8 A Right.</p> <p>9 MR. SATRIALE: Don't guess.</p> <p>10 Q And the three individuals who you</p> <p>11 identified earlier, have an interest in both</p> <p>12 the corporations you just mentioned as far as</p> <p>13 you know?</p> <p>14 A I'm not sure how that's all broken</p> <p>15 down.</p> <p>16 Q Do you know if one of the two</p> <p>17 corporations that you just mentioned owns the</p> <p>18 Nyack Soft Cloth Car Wash?</p> <p>19 A Owns -- I'm not sure of that either,</p> <p>20 like who is the owners, you mean for which</p> <p>21 corporation?</p> <p>22 Q Well, do you know if Nyack -- who is</p> <p>23 the owner, which is the corporate entity that</p> <p>24 owns Nyack Soft Cloth Car Wash, if you know?</p> <p>25 MR. SATRIALE: Objection to form,</p>	<p style="text-align: right;">11</p> <p>1 G. KELLY</p> <p>2 mean Nyack Colonial Car Wash?</p> <p>3 A I am not sure how it's listed on the</p> <p>4 paper.</p> <p>5 Q And you said the owners of that are</p> <p>6 who?</p> <p>7 A James Miner and Timothy, Johnny</p> <p>8 basically retired.</p> <p>9 Q Okay. Now, I also saw reference to</p> <p>10 something in the documents referring to J and M</p> <p>11 Enterprises, Limited, have you heard of that</p> <p>12 entity before?</p> <p>13 A That's my accountant, I think.</p> <p>14 Q That's your accountant?</p> <p>15 (Witness nods.)</p> <p>16 A I think. I'm not totally one hundred</p> <p>17 percent sure, I think it's J and M Enterprises,</p> <p>18 yeah.</p> <p>19 Q What is your accountant's name?</p> <p>20 A John Ochino.</p> <p>21 Q How do you spell that?</p> <p>22 A J O H N, O C, I have to guess the</p> <p>23 rest, H I N O.</p> <p>24 Q O C?</p> <p>25 A H I N O, something like that.</p>
<p style="text-align: right;">10</p> <p>1 G. KELLY</p> <p>2 but you can answer if you know.</p> <p>3 A Nyack, Incorporated, Nyack Colonial,</p> <p>4 Incorporated.</p> <p>5 Q But you said there were two</p> <p>6 corporations, what does the second Corporation,</p> <p>7 that the J & J, Inc., owned?</p> <p>8 A J & J, Inc., are like, the property.</p> <p>9 Q The property that the car wash --</p> <p>10 that --</p> <p>11 A Yes.</p> <p>12 Q That Nyack Soft Cloth Car Wash sits</p> <p>13 on?</p> <p>14 A No, they are a corporation -- they</p> <p>15 are the original owners, that's all I can</p> <p>16 really tell you, I don't know much about how</p> <p>17 it's all broken down as far as --</p> <p>18 Q J and J is the original owners of --</p> <p>19 A Correct.</p> <p>20 Q Of what?</p> <p>21 A Of the car wash.</p> <p>22 Q Nyack Soft Cloth Car Wash?</p> <p>23 A Yes, and then the partners of Nyack,</p> <p>24 Incorporated is James Miner and Timothy Weigel.</p> <p>25 Q When you say Nyack Incorporated, you</p>	<p style="text-align: right;">12</p> <p>1 G. KELLY</p> <p>2 Q H I N O?</p> <p>3 A I think there is a C at the end</p> <p>4 Ochino.</p> <p>5 Q You wouldn't happen to have his</p> <p>6 business cards with you?</p> <p>7 A No.</p> <p>8 Q Do you know his address?</p> <p>9 A No.</p> <p>10 Q Do you know generally where he's</p> <p>11 located?</p> <p>12 A Yeah, I can drive there, I just don't</p> <p>13 know the address.</p> <p>14 Q How would you get there, what town is</p> <p>15 he in?</p> <p>16 A It's either Upper Westchester towards</p> <p>17 Dutchess, up that way.</p> <p>18 Q Do you know what town it is?</p> <p>19 A I have no clue.</p> <p>20 Q Is it Carmel?</p> <p>21 A Okay, Carmel.</p> <p>22 Q Is that it?</p> <p>23 A Yes, that sounds good.</p> <p>24 Q Do you know what street he's on?</p> <p>25 A No.</p>

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<p style="text-align: right;">13</p> <p>1 G. KELLY</p> <p>2 Q Do you know his phone number?</p> <p>3 A I have it in my phone.</p> <p>4 Q Can you look at it, please?</p> <p>5 (Witness Complies).</p> <p>6 A I think this is it, but I'm not sure,</p> <p>7 it could be 845-225-3140.</p> <p>8 Q So if you started eight years ago,</p> <p>9 that would have been about what 1999, or so,</p> <p>10 that you started working at the car wash?</p> <p>11 A That's correct.</p> <p>12 Q And when you first started there, did</p> <p>13 you receive paychecks?</p> <p>14 A I don't think right in the beginning.</p> <p>15 In the beginning I was just trying to help</p> <p>16 clean and give my father-in-law a hand, I'm not</p> <p>17 sure how it all started into a job.</p> <p>18 Q How were you paid initially?</p> <p>19 A I don't think I was paid at all, I</p> <p>20 just kind of trained a little bit and stepped</p> <p>21 in, I was working still, as a bartender.</p> <p>22 Q Did there come a time that you</p> <p>23 started getting paid?</p> <p>24 A Yes.</p> <p>25 Q When did that occur?</p>	<p style="text-align: right;">15</p> <p>1 G. KELLY</p> <p>2 Q You always got cash?</p> <p>3 A That's correct.</p> <p>4 Q So you were off the books?</p> <p>5 A No. I was on the books.</p> <p>6 Q You were on the book?</p> <p>7 A Yes.</p> <p>8 Q Did they withhold taxes?</p> <p>9 A Yes.</p> <p>10 Q They just paid you less cash?</p> <p>11 A Right.</p> <p>12 Q And took care of taxes? Did you get</p> <p>13 a statement showing how much taxes they were</p> <p>14 withholding?</p> <p>15 A My W-2s.</p> <p>16 Q Just once a year?</p> <p>17 A Yeah.</p> <p>18 Q Now, who were your W-2s from?</p> <p>19 A From Nyack Car Wash.</p> <p>20 Q Nyack Colonial Car Wash, Inc.?</p> <p>21 A I'm not sure what it says on the top,</p> <p>22 it says Nyack Car Wash.</p> <p>23 Q Nyack Car Wash?</p> <p>24 A Yeah.</p> <p>25 Q Now, you mentioned before that John</p>
<p style="text-align: right;">14</p> <p>1 G. KELLY</p> <p>2 A I'm not really sure, I'm not really</p> <p>3 clear on it, I would have to pull out my</p> <p>4 records.</p> <p>5 Q Do you know what year it was?</p> <p>6 A It could have been '99 or 2000.</p> <p>7 Q Did you receive a paycheck?</p> <p>8 A Yes.</p> <p>9 Q And who was the paycheck from?</p> <p>10 A I was paid, I'm paid cash every week.</p> <p>11 Q I'm sorry?</p> <p>12 A I'm paid cash every week.</p> <p>13 Q You were paid cash?</p> <p>14 A Right.</p> <p>15 Q I thought you said you got a</p> <p>16 paycheck?</p> <p>17 A My pay is, I got paid.</p> <p>18 Q You mean -- okay, so initially when</p> <p>19 you first started getting paid, you were paid</p> <p>20 in cash?</p> <p>21 A Right, I was always paid cash.</p> <p>22 Q You were always paid cash?</p> <p>23 A Right.</p> <p>24 Q You never received a paycheck?</p> <p>25 A Not a paycheck.</p>	<p style="text-align: right;">16</p> <p>1 G. KELLY</p> <p>2 Weigel retired, did he sell out his interest in</p> <p>3 these entities to his son?</p> <p>4 A I don't know.</p> <p>5 Q You don't know if he still has an</p> <p>6 ownership interest?</p> <p>7 A I don't know what the situation is,</p> <p>8 that's their business.</p> <p>9 Q What is your responsibility as a</p> <p>10 employee of Nyack Colonial Car Wash, Inc.?</p> <p>11 A General Manager.</p> <p>12 Q What do you manage?</p> <p>13 A The car wash.</p> <p>14 Q The Nyack Soft Cloth Car Wash?</p> <p>15 A Correct.</p> <p>16 Q Any others?</p> <p>17 A As a manager? In a manager's</p> <p>18 position?</p> <p>19 Q In any capacity?</p> <p>20 A Just Nyack.</p> <p>21 Q Does Nyack Colonial Car Wash, Inc.,</p> <p>22 own any other car washes as far as you know?</p> <p>23 A No.</p> <p>24 Q How about J & J, Inc.?</p> <p>25 A I don't know the setup for J & J, I</p>

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<p>17</p> <p>1 G. KELLY</p> <p>2 don't know much about J & J, I know it's just,</p> <p>3 that it's another corporation.</p> <p>4 Q To the best of your knowledge, does</p> <p>5 James Miner own, directly or indirectly have an</p> <p>6 interest in any other car wash other than Nyack</p> <p>7 Soft Cloth Car Wash?</p> <p>8 A Yes, he does.</p> <p>9 Q What car washes are those?</p> <p>10 A Northvale Car Wash and Pearl River</p> <p>11 Car Wash.</p> <p>12 Q Northvale Car Wash, is that 262</p> <p>13 Livingston Street, Northvale, New Jersey?</p> <p>14 A That's correct.</p> <p>15 Q And Pearl River Car Wash is 558 North</p> <p>16 Middletown Road, Pearl River, New York?</p> <p>17 A Correct.</p> <p>18 Q Does he also have an interest in a</p> <p>19 car wash in Tenafly, New Jersey?</p> <p>20 A No, he doesn't.</p> <p>21 Q Did he ever, to the best of your</p> <p>22 knowledge?</p> <p>23 A At one time, he might have. One</p> <p>24 time.</p> <p>25 MR. SATRIALE: Don't guess, George.</p>	<p>19</p> <p>1 G. KELLY</p> <p>2 Q Who owns it?</p> <p>3 A Me and Timmy.</p> <p>4 Q You and Timmy?</p> <p>5 A Weigel.</p> <p>6 Q Okay. Do you own it through a</p> <p>7 corporate entity?</p> <p>8 A Yes.</p> <p>9 Q What entity is that?</p> <p>10 A It's called GT Car Wash.</p> <p>11 Q GT Car Wash?</p> <p>12 A Inc.</p> <p>13 Q And how long have you owned it?</p> <p>14 A I would say six years.</p> <p>15 Q What is your interest in GT Car Wash,</p> <p>16 Inc.?</p> <p>17 A I'm an owner.</p> <p>18 Q Do you have shares?</p> <p>19 A When you say in shares, me and Timmy</p> <p>20 own--</p> <p>21 Q Do you know what percentage of it you</p> <p>22 own?</p> <p>23 A Yeah, we're 50/50.</p> <p>24 Q 50/50?</p> <p>25 A Yes.</p>
<p>18</p> <p>1 G. KELLY</p> <p>2 THE WITNESS: Okay.</p> <p>3 Q What--</p> <p>4 MR. SATRIALE: Tell him what you</p> <p>5 know.</p> <p>6 A Yes, he did.</p> <p>7 Q He did?</p> <p>8 A Yes.</p> <p>9 Q And did there come a time that he</p> <p>10 sold or transferred his interest in the Tenafly</p> <p>11 car wash?</p> <p>12 A No.</p> <p>13 Q Does he still have that interest?</p> <p>14 A No.</p> <p>15 Q Well, I understood you to say he had</p> <p>16 the interest at some time?</p> <p>17 A Yes.</p> <p>18 Q And he didn't sell or transfer but</p> <p>19 that he no longer has the interest today?</p> <p>20 A That's correct.</p> <p>21 Q What happened to his interest in</p> <p>22 Tenafly?</p> <p>23 A His lease expired.</p> <p>24 Q So Tenafly Car Wash is closed?</p> <p>25 A No, it's open.</p>	<p>20</p> <p>1 G. KELLY</p> <p>2 Q Any other owners other than you and</p> <p>3 him?</p> <p>4 A No.</p> <p>5 Q Do you have a title in connection</p> <p>6 with the company? Are you the president?</p> <p>7 A I think I'm the secretary.</p> <p>8 Q You're the secretary?</p> <p>9 A Yeah.</p> <p>10 Q And Timmy Weigel is the CEO or</p> <p>11 something like that, president?</p> <p>12 A President.</p> <p>13 Q Are there any other officers?</p> <p>14 A No.</p> <p>15 Q Does Tenafly Car Wash have a manager?</p> <p>16 A Yes.</p> <p>17 Q Who is that?</p> <p>18 A Jerry Murphy.</p> <p>19 Q Does Mr. Miner have an interest in</p> <p>20 the Pearl River Car Wash through a corporate</p> <p>21 entity?</p> <p>22 A I'm not sure.</p> <p>23 Q And does he own the Pearl River Car</p> <p>24 Wash along with Timothy Weigel?</p> <p>25 A I don't know the arrangements for</p>

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<p style="text-align: right;">21</p> <p>1 G. KELLY</p> <p>2 Pearl River at all.</p> <p>3 Q Did you ever work at Pearl River?</p> <p>4 A No.</p> <p>5 Q Have you ever worked at Pearl River?</p> <p>6 A No.</p> <p>7 Q Did you ever have occasion to visit</p> <p>8 the Pearl River Car Wash during the course of</p> <p>9 your employment at the Nyack Soft Cloth Car</p> <p>10 Wash?</p> <p>11 A Yes.</p> <p>12 Q For what purpose?</p> <p>13 A Friendly visits, and that's about it.</p> <p>14 Q Did you ever have occasion to bring</p> <p>15 parts there?</p> <p>16 A Oh, yes.</p> <p>17 Q From other Car Washes?</p> <p>18 A Yes.</p> <p>19 Q From the Nyack Soft Cloth Car Wash?</p> <p>20 A Yes.</p> <p>21 Q How often would you say you went to</p> <p>22 the Pearl River Car Wash?</p> <p>23 A Once a month, I could go, sometimes I</p> <p>24 couldn't -- might not go for a couple of</p> <p>25 months.</p>	<p style="text-align: right;">23</p> <p>1 G. KELLY</p> <p>2 Q And I take it Mr. Miner has an</p> <p>3 ownership interest in the Northvale Car Wash?</p> <p>4 A That's correct.</p> <p>5 Q Do you know if he holds that interest</p> <p>6 through a corporate entity?</p> <p>7 A I don't know the name or if there is.</p> <p>8 Q Do you know if any of the Weigels</p> <p>9 have an interest in the Northvale Car Wash?</p> <p>10 A Yes, Timmy.</p> <p>11 Q Do you know what percentage interest</p> <p>12 he has?</p> <p>13 A I don't know.</p> <p>14 Q Are there any others that have an</p> <p>15 interest in Northvale Car Wash?</p> <p>16 A No.</p> <p>17 Q Other than Mr. Miner and possibly Mr.</p> <p>18 Weigel, are there any others that have an</p> <p>19 interest in the Pearl River Car Wash?</p> <p>20 A I don't know the set up, sorry.</p> <p>21 Q So, you also did-- you also had</p> <p>22 occasion to do other things at Pearl River</p> <p>23 other than bring parts there?</p> <p>24 MR. SATRIALE: Objection to form.</p> <p>25 Q Maintenance and so on?</p>
<p style="text-align: right;">22</p> <p>1 G. KELLY</p> <p>2 Q And who manages the Pearl River Car</p> <p>3 Wash?</p> <p>4 A Phil Payne.</p> <p>5 Q But to the best of your knowledge,</p> <p>6 Mr. Weigel also has an ownership interest in</p> <p>7 the Pearl River Car Wash, is that Timothy</p> <p>8 Weigel?</p> <p>9 A That I don't know.</p> <p>10 Q Now, the Northvale Car Wash, have you</p> <p>11 ever worked there?</p> <p>12 A No.</p> <p>13 Q Did you have occasion to visit there?</p> <p>14 A Yes.</p> <p>15 Q To bring parts there and so on?</p> <p>16 A Yes.</p> <p>17 Q How often would you visit there?</p> <p>18 A I could be there once a month.</p> <p>19 Q Did you do anything else other than</p> <p>20 bring parts there?</p> <p>21 A I've done plenty of things there,</p> <p>22 yeah.</p> <p>23 Q Like what?</p> <p>24 A Help with maintenance or working or</p> <p>25 just the working aspects of the car wash.</p>	<p style="text-align: right;">24</p> <p>1 G. KELLY</p> <p>2 MR. SATRIALE: Objection to form,</p> <p>3 but you can answer.</p> <p>4 A I'm not required to, I help out.</p> <p>5 Q What do you do to help out?</p> <p>6 A If there is ever a jam and they need</p> <p>7 a couple of guys to lift something or fix</p> <p>8 something and I'm available, I will help out.</p> <p>9 Q The four car washes that we've</p> <p>10 mentioned, Tenaflly, Pearl River, Northvale and</p> <p>11 Nyack, did they all exist, to the best of your</p> <p>12 knowledge, in 1999 when you started helping out</p> <p>13 your father-in-law?</p> <p>14 A Yes.</p> <p>15 Q And how long had they -- how long had</p> <p>16 your father-in-law had an ownership interest in</p> <p>17 those four car washes as of 1999?</p> <p>18 MR. SATRIALE: If you know.</p> <p>19 A I don't know, they are all different</p> <p>20 dates.</p> <p>21 Q Can you describe for me in detail</p> <p>22 what your duties and responsibilities at Nyack</p> <p>23 Soft Cloth Car Wash are?</p> <p>24 A To manage the car wash.</p> <p>25 Q What does that entail?</p>

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GEORGE KELLY

<p style="text-align: right;">101</p> <p>1 G. KELLY</p> <p>2 printout of the spreadsheet that you throw out;</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q How does the accountant find out how</p> <p>6 much you've given them in tips each week for</p> <p>7 tax purposes?</p> <p>8 A I'm not sure.</p> <p>9 Q You don't tell him?</p> <p>10 A No.</p> <p>11 Q What will he look at?</p> <p>12 A For?</p> <p>13 Q To determine that?</p> <p>14 A The what?</p> <p>15 Q How much tips each employee got each</p> <p>16 week?</p> <p>17 A I don't know.</p> <p>18 MR. STOECKER: All right. Off the</p> <p>19 record.</p> <p>20 (Whereupon, an off the record</p> <p>21 discussion was held.)</p> <p>22 (Whereupon, a short recess was</p> <p>23 taken.)</p> <p>24 MR. STOECKER: Mark this as</p> <p>25 Plaintiff's Exhibit 2.</p>	<p style="text-align: right;">103</p> <p>1 G. KELLY</p> <p>2 Q So I take it you've seen this before?</p> <p>3 A Yes.</p> <p>4 Q Now, in the first paragraph it says</p> <p>5 that the Nyack Colonial Car Wash located in</p> <p>6 Nyack, New York is the only car wash or any</p> <p>7 other business owned or operated by Nyack</p> <p>8 Colonial, do you see that?</p> <p>9 A That's correct.</p> <p>10 Q Is that true?</p> <p>11 A Yes.</p> <p>12 Q Now, you said earlier that there's --</p> <p>13 you mentioned three other car washes, the</p> <p>14 Tenaflly, Northvale, and Pearl River?</p> <p>15 A The corporation is Nyack Colonial Car</p> <p>16 Wash, Inc., for Nyack.</p> <p>17 Q I'm sorry?</p> <p>18 MR. SATRIALE: He didn't ask you a</p> <p>19 question yet.</p> <p>20 Q Do you recall the three others, three</p> <p>21 other car washes that we discussed?</p> <p>22 A Uh, huh.</p> <p>23 Q And you said you and Tim Weigel owned</p> <p>24 Northvale?</p> <p>25 A No.</p>
<p style="text-align: right;">102</p> <p>1 G. KELLY</p> <p>2 (Whereupon, the above mentioned</p> <p>3 document was marked as Plaintiff's</p> <p>4 Exhibit 2 for identification, this date</p> <p>5 by the Reporter.)</p> <p>6 MR. SATRIALE: Do you have one for</p> <p>7 me?</p> <p>8 MS. ZDANIS: Yeah, the only thing</p> <p>9 that's missing is the job description</p> <p>10 because I pulled it out.</p> <p>11 MR. STOECKER: Off the record.</p> <p>12 (Whereupon, an off the record</p> <p>13 discussion was held.)</p> <p>14 Q I've handed you Plaintiff's</p> <p>15 Exhibit 2, it's a copy of declaration of</p> <p>16 George. C Kelly, bearing bates stamps D000271</p> <p>17 through 275. Do you see that?</p> <p>18 (Witness peruses document.)</p> <p>19 A Excuse me?</p> <p>20 Q Do you see it?</p> <p>21 A Do I see this whole sheet?</p> <p>22 Q Exhibit 2?</p> <p>23 A Yes.</p> <p>24 Q Is that your declaration?</p> <p>25 A Yes.</p>	<p style="text-align: right;">104</p> <p>1 G. KELLY</p> <p>2 Q Which one, Tenaflly?</p> <p>3 A Correct.</p> <p>4 Q And Pearl River and Northvale is</p> <p>5 owned by James Miner and Timothy Weigel, and</p> <p>6 you don't know if John Weigel continues to have</p> <p>7 an interest?</p> <p>8 A No, I said I'm not sure if Timmy is</p> <p>9 involved in Pearl River.</p> <p>10 Q But you said you didn't know which</p> <p>11 corporate entity held that car wash?</p> <p>12 A No.</p> <p>13 Q Could it be Nyack Colonial Car Wash,</p> <p>14 Inc.?</p> <p>15 A No.</p> <p>16 Q How do you know?</p> <p>17 A I don't know.</p> <p>18 Q Sorry?</p> <p>19 A I don't know. It's -- no, Nyack</p> <p>20 Colonial Car Wash, Inc., is for Nyack Car Wash.</p> <p>21 Q Well, what's for Pearl River?</p> <p>22 A I don't know.</p> <p>23 Q How do you know it's not Nyack</p> <p>24 Colonial Car Wash, Inc.?</p> <p>25 A I don't know.</p>

26 (Pages 101 to 104)

MOROCHO VS KELLY

1/15/08

GEORGE KELLY

<p style="text-align: right;">105</p> <p>1 G. KELLY</p> <p>2 Q It's got to be one or the other,</p> <p>3 either it's no or you don't know?</p> <p>4 A I don't know what it's under.</p> <p>5 Q So you don't know if your statement</p> <p>6 in paragraph 1 is correct?</p> <p>7 A No, that's correct.</p> <p>8 MR. SATRIALE: You believe that</p> <p>9 statement to be correct?</p> <p>10 THE WITNESS: Yes.</p> <p>11 Q But you don't know whether or not</p> <p>12 Nyack Colonial Car Wash, Inc., owns the Pearl</p> <p>13 River car wash?</p> <p>14 A If Nyack Car Wash owns Pearl River</p> <p>15 Car Wash?</p> <p>16 Q No, if Nyack Colonial Car Wash, Inc.,</p> <p>17 owns Pearl River Car Wash?</p> <p>18 A I don't know.</p> <p>19 Q You don't know that. Do you know if</p> <p>20 Nyack Colonial Car Wash, Inc., owns the</p> <p>21 Northvale Car Wash?</p> <p>22 A I don't know that.</p> <p>23 Q Now, do you collect the I9</p> <p>24 documentation for each employee employed by the</p> <p>25 car wash?</p>	<p style="text-align: right;">107</p> <p>1 G. KELLY</p> <p>2 I.D.</p> <p>3 Q You ask them for I.D.?</p> <p>4 A Yeah.</p> <p>5 Q What do they have to give you in</p> <p>6 order to satisfy that they are legally able to</p> <p>7 work?</p> <p>8 MR. SATRIALE: Objection to form.</p> <p>9 If you know.</p> <p>10 A Something with their Social Security</p> <p>11 number.</p> <p>12 Q That's it?</p> <p>13 A Yes.</p> <p>14 Q Now, are you familiar with an I9</p> <p>15 form?</p> <p>16 A No.</p> <p>17 Q Have you ever filled one out?</p> <p>18 A I -- no, I don't think so.</p> <p>19 Q Have you ever seen one?</p> <p>20 A No.</p> <p>21 Q Do you know what it is?</p> <p>22 A No.</p> <p>23 Q Does anyone other than you handle the</p> <p>24 paperwork for employees?</p> <p>25 A No.</p>
<p style="text-align: right;">106</p> <p>1 G. KELLY</p> <p>2 A I don't understand what the I9 is.</p> <p>3 Q Do you verify that they are able to</p> <p>4 work?</p> <p>5 A I still don't understand your</p> <p>6 question.</p> <p>7 Q You understand that an employer has</p> <p>8 an obligation to determine if its employees are</p> <p>9 legally able to work in the United States</p> <p>10 before they are hired; correct?</p> <p>11 MR. SATRIALE: Objection to form,</p> <p>12 but you can answer.</p> <p>13 A Yes.</p> <p>14 Q Okay. And what did you do at the</p> <p>15 Nyack Soft Cloth Car Wash to discharge that</p> <p>16 obligation?</p> <p>17 A I asked them for papers.</p> <p>18 Q What papers do you ask for?</p> <p>19 A Some identification and their Social</p> <p>20 Security number.</p> <p>21 Q What kind of identification?</p> <p>22 A Social Security card, driver's</p> <p>23 license or anything like that.</p> <p>24 Q Anything else?</p> <p>25 A Whatever they have, I ask them for</p>	<p style="text-align: right;">108</p> <p>1 G. KELLY</p> <p>2 Q You do it?</p> <p>3 A Yes.</p> <p>4 Q Now, you employed someone by the name</p> <p>5 of Angel according to paragraph 2 of your</p> <p>6 declaration, Plaintiff's Exhibit 2?</p> <p>7 MR. SATRIALE: Read paragraph 2</p> <p>8 yourself.</p> <p>9 A Okay.</p> <p>10 (Witness peruses document.)</p> <p>11 A Okay.</p> <p>12 Q Is paragraph 2 correct that you</p> <p>13 employed someone named Angel?</p> <p>14 A Yes.</p> <p>15 Q And what was Angel's full name</p> <p>16 according to the records that you looked at?</p> <p>17 A I knew him as Angel.</p> <p>18 Q But you said for each employee you</p> <p>19 got their I.D.</p> <p>20 MR. SATRIALE: Objection.</p> <p>21 Objection. Carl, Mr. Stoecker, in order</p> <p>22 to be fair, paragraph 3 deals with the</p> <p>23 same point, so I would like the witness</p> <p>24 to read paragraph 3 before he answers</p> <p>25 that question.</p>

27 (Pages 105 to 108)

<p style="text-align: right;">161</p> <p>1 G. KELLY</p> <p>2 Q What's the reference to other car</p> <p>3 washes, is that to Tenaflly?</p> <p>4 A Excuse me?</p> <p>5 Q It says keeping stock of all parts</p> <p>6 used by us and other car washes, is that a</p> <p>7 reference to Tenaflly?</p> <p>8 A To all the car washes.</p> <p>9 Q Tenaflly, Pearl River, Northvale?</p> <p>10 A If they needed parts in an emergency</p> <p>11 and we had it, I would get them the part.</p> <p>12 Q But one of operations manager's job</p> <p>13 was to keep stock of the parts used by all four</p> <p>14 car washes?</p> <p>15 A No. Not used by the car washes. If</p> <p>16 somebody came in for a part, I just write down</p> <p>17 what they took, so I would know what they took</p> <p>18 so I could reorder.</p> <p>19 Q If someone came in from any of the</p> <p>20 other three car washes?</p> <p>21 A Right, if they ran in to get a part,</p> <p>22 just write down what they took and give it to</p> <p>23 me so I know what they took.</p> <p>24 Q Now, you also managed the Tenaflly car</p> <p>25 wash?</p>	<p style="text-align: right;">163</p> <p>1 G. KELLY</p> <p>2 A No.</p> <p>3 Q How often do you go there?</p> <p>4 A I don't know what you said earlier, I</p> <p>5 could stop by once a week, once a month, just</p> <p>6 to say hello.</p> <p>7 Q And Northvale, the same answer?</p> <p>8 A Yes.</p> <p>9 Q You understand that you've been named</p> <p>10 as a defendant in this lawsuit that's pending</p> <p>11 in federal court?</p> <p>12 A Right.</p> <p>13 Q And do you understand what the claims</p> <p>14 are that have been asserted against you?</p> <p>15 A Yes.</p> <p>16 Q What's your understanding of the</p> <p>17 claims?</p> <p>18 MR. SATRIALE: You can give him your</p> <p>19 understanding but don't repeat anything</p> <p>20 that I have told you. If you have an</p> <p>21 understanding separate, apart from our</p> <p>22 discussions, then that's what you tell</p> <p>23 him.</p> <p>24 A I have an understanding of-- my</p> <p>25 understanding is, this, I don't understand your</p>
<p style="text-align: right;">162</p> <p>1 G. KELLY</p> <p>2 MR. SATRIALE: Objection to form.</p> <p>3 A Managed, I owned Tenaflly car wash.</p> <p>4 I'm an owner.</p> <p>5 Q Do you do the same thing there that</p> <p>6 you do at Nyack Colonial?</p> <p>7 A It's shared more.</p> <p>8 Q With you and Mr. Timothy Weigel?</p> <p>9 A That's correct.</p> <p>10 Q And do you handle the payroll the</p> <p>11 same way at Tenaflly?</p> <p>12 A Yes.</p> <p>13 Q You pay the same way?</p> <p>14 A Yes.</p> <p>15 Q You handle overtime the same way?</p> <p>16 A Yes.</p> <p>17 Q You handle tips the same way?</p> <p>18 A Yes.</p> <p>19 Q And are overtime and tip distribution</p> <p>20 handled the same way at Pearl River?</p> <p>21 MR. SATRIALE: If you know.</p> <p>22 A I don't know.</p> <p>23 Q How about at Northvale?</p> <p>24 A I don't know.</p> <p>25 Q Do you spend time in Pearl River?</p>	<p style="text-align: right;">164</p> <p>1 G. KELLY</p> <p>2 question. I understand that I am getting sued,</p> <p>3 yes, in federal court.</p> <p>4 MR. SATRIALE: Do you know why</p> <p>5 you're getting sued, what are the claims</p> <p>6 being brought against you?</p> <p>7 A Failure to pay overtime, and that's</p> <p>8 it.</p> <p>9 Q Do you have an understanding, without</p> <p>10 telling me what you discussed with your lawyer,</p> <p>11 as you sit here today, do you have an</p> <p>12 understanding as to what overtime is?</p> <p>13 A I understand overtime, yes, I do.</p> <p>14 Q What is your understanding of it?</p> <p>15 A Up and over 40 hours.</p> <p>16 Q What happens after 40 hours?</p> <p>17 A You get paid for time and a half.</p> <p>18 Q And did you have that understanding</p> <p>19 prior to this lawsuit that was --</p> <p>20 A Yes.</p> <p>21 Q The legal requirement?</p> <p>22 A Yes.</p> <p>23 Q Now, do you also understand that you</p> <p>24 have been sued for taking employee's tips?</p> <p>25 A I don't take people's tips.</p>

EXHIBIT L

Gehring & Satriale LLC

Louis R. Satriale, Jr.
(212) 400-7422
lsatriale@GTSLaw.com

370 Lexington Avenue
Suite 1200
New York, New York 10017
(212) 400-7420
(212) 400-7440 (fax)

February 6, 2008

VIA FACSIMILE

Hon. Charles L. Brieant
United State District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Freddy Morocho et al. v. George Kelly et al.
Index No. 07 Civ. 2979 (CLB) (MDF)

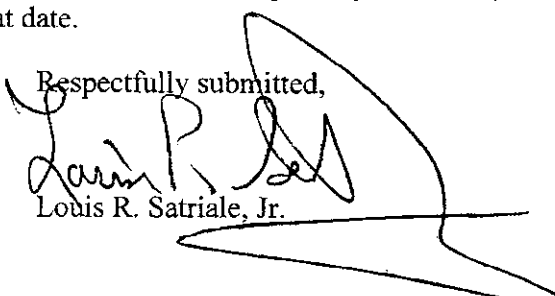
Dear Judge Brieant:

We represent defendants in the above-referenced action. On behalf of all parties, I write to jointly request a three-week extension of time from February 8, 2008 to February 29, 2008 to complete depositions. There has been no prior request for an extension of time regarding the Civil Case Discovery Plan and Scheduling Order ("Scheduling Order") in this matter.

Today, we were at the Courthouse to conduct the depositions of three plaintiffs. Tomorrow, three more depositions are scheduled at the Courthouse. Shortly after we began the depositions today, the Spanish interpreter hired to assist with the depositions of the plaintiffs advised the parties that he had just been informed of a family emergency and had to leave immediately for the day. I have not yet been advised if he will be able to resume tomorrow. In any event, it is clear that the parties will not be able to complete all the depositions by Friday.

Plaintiffs' counsel and I have discussed our respective schedules and the schedules of the remaining witnesses and respectfully request until February 29th to complete the depositions. The Scheduling Order currently provides that all discovery is to be complete by March 14, 2008 and the parties are not seeking an extension of that date.

Respectfully submitted,


Louis R. Satriale, Jr.

cc: Karen Zdanis, Esq. (via facsimile)
Counsel for Plaintiffs

EXHIBIT M

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

2
3 FREDDY M. MOROCHO, WALTER TACURE,
3 on behalf of themselves and others
4 similarly situated,

4
5 Plaintiffs,

5
6 v. 07 Civ. 2979(CLB)(MDF)

6
7 GEORGE C. KELLY and NYACK COLONIAL
8 CAR WASH, INC.,
9 Defendants.

9
10 -----x

10
11 United States Courthouse
11 White Plains, N.Y.
12 March 17, 2008
12
13

14 Before:

14 THE HONORABLE MARK D. FOX,

15
15 Magistrate Judge
16
17

18 APPEARANCES

18
19 LAW OFFICES OF KARL J. STOECKER

20 Attorneys for Plaintiffs

20 KARL J. STOECKER

21 KAREN L. ZDANIS
21

22 GEHRING & SATRIALE, LLC

23 Attorneys for Defendants

23 LOUIS R. SATRIALE, JR.
24

25 *Proceedings recorded via electronic recording device.
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(914)390-4103

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1 THE DEPUTY CLERK: In the matter of Morocho v. Kelly,
2 et al.

3 THE COURT: Note the appearances for the record,
4 please.

5 MR. STOECKER: Karl Stoecker for plaintiff, your
6 Honor.

7 MS. ZDANIS: Karen Zdanis also for plaintiff.

8 MR. SATRIALE: Louis Satriale for the defendants, your
9 Honor.

10 THE COURT: Okay. Good morning.

11 Okay. When we were last here, which was March the
12 11th, I set the hearing on the deposition disputes, and that
13 will be done Wednesday, the 19th, at 2 p.m., and I raised the
14 issue with Ms. Zdanis about Mr. Stoecker's appearance.

15 Have you filed a notice of appearance in this case?

16 MR. STOECKER: Yes, I have, your Honor.

17 THE COURT: Okay. When did you do that?

18 MR. STOECKER: Well, I was on the complaint initially.
19 In response to your Honor's instruction, I filed one just the
20 day before -- last week.

21 THE COURT: Okay.

22 Apparently, what happened here, and I'm still not
23 really sure, but sometimes the Clerk's Office only picks up the
24 name of lead counsel, which they take generally to be the first
25 one listed. But, okay, as long as you've taken care of it and

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(914)390-4103

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1 you're on the record as appearing.

2 Okay. I anticipate -- how many witnesses do you
3 anticipate calling at this hearing on Wednesday?

4 MR. SATRIALE: Myself, the witness who was with me,
5 and the court reporter.

6 THE COURT: Okay.

7 How about you?

8 MR. STOECKER: Your Honor, it's Mr. Satriale's show.
9 You know --

10 THE COURT: I just asked you how many witnesses you're
11 calling.

12 MR. STOECKER: It depends who he calls, your Honor.

13 THE COURT: Okay, fine.

14 MR. STOECKER: Those were the only attendees at the
15 deposition. You know, I think it's inappropriate to have
16 tertiary sideline litigation on -- you know --

17 THE COURT: So do I, but, unfortunately, when the
18 allegations which were made on the record before me by each
19 side against the other were made, the Court has no choice but
20 to get into this.

21 I don't expect to make a major project out of this
22 deposition hearing. It's going to be done quickly and to the
23 point, and I will take whatever action I deem appropriate after
24 I find the facts.

25 Okay, now, in connection with the case itself, I have
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(914)390-4103

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1 a letter brief dated March the 11th from Mr. Satriale, and
2 there is no answering letter brief on it, concerning the
3 failure to complete the Occhino deposition. Five business days
4 has not yet expired, so I think the letter brief on that is due
5 I think tomorrow.

6 I have also received, on March 10th, from Mr. Satriale
7 the additional page of the documents that were submitted for
8 in-camera review. That was Bates number D000192. I have
9 reviewed that in camera. I've been provided now with a legible
10 page. I've reviewed that in camera, and the same ruling as I
11 made with the balance of the record applies. Basically, there
12 is nothing on this page that is either relevant or derogatory
13 or in any way relevant to the lawsuit.

14 Okay. Is there anything else at this point from
15 plaintiffs' counsel?

16 MR. STOECKER: Yes, your Honor. There are several
17 things.

18 In response to our discovery requests and your Honor's
19 order, among others, the order dated March 7th to produce
20 backup documents to the general ledger, we've gotten an
21 affidavit from George Kelly dated March 6th of 2008 which
22 essentially says that the defendants do not have any documents.

23 In addition, Mr. Kelly testified at his deposition
24 that it was his practice, even for the nine-month period
25 subsequent to the time that this case was filed, to regularly
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(914)390-4103

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1 destroy documents, to delete information from his computer.

2 THE COURT: After the case was filed.

3 MR. STOECKER: Yes. To throw documents out.

4 Now, Section 11(c) of the Fair Labor Standards Act and
5 29 CFR Section 516.5 imposes an affirmative duty upon employers
6 to preserve payroll documents for a period of three years. The
7 information to be preserved includes the number of hours worked
8 by each employee each day.

9 THE COURT: I'm familiar with the statute.

10 MR. STOECKER: In addition, Section 195 subdivision 4
11 of the New York State Labor Law similarly requires an employer
12 to preserve, for a period of three years, the kind of payroll
13 information that Mr. Kelly regularly destroyed even after this
14 lawsuit was filed. In fact, Section 198-A of the New York
15 Labor Law makes it a crime, a misdemeanor, when you fail to
16 maintain this kind of payroll information.

17 At Mr. Kelly's deposition on January 15th of 2008, he
18 testified under oath that, as of the time of the deposition, he
19 was still throwing out payroll information and failing to
20 preserve it.

21 This is a collective action, your Honor, which
22 embraces all of the defendant's current and former employees.
23 The defendant's current --

24 THE COURT: Okay, let me just -- what's your point?
25 Because I have nothing before me on this.

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1 MR. STOECKER: Well, the application -- we would like
2 to make a motion -- there's obviously spoliation of evidence
3 here, your Honor. We would like to make a motion to preclude
4 the defendants from putting in any information in this case
5 with regard to hours worked by the plaintiffs, with regard to
6 the amount they were paid, and so on and so forth, because the
7 defendants --

8 THE COURT: How much time is it going to take you to
9 make the motion?

10 MR. STOECKER: We can make it within a week. Within a
11 week, your Honor.

12 THE COURT: Okay.

13 Do you want to be heard on this?

14 MR. SATRIALE: Yes, your Honor. Thank you.

15 Your Honor, we've been over some of this before. None
16 of the plaintiffs in this case have worked for us.

17 THE COURT: That's really not what he's addressing.

18 He's saying that your client failed to maintain records.

19 MR. SATRIALE: But not with regard to any of the
20 plaintiffs. None of the plaintiffs have worked for us.

21 THE COURT: Okay, well, look, the bottom line here is
22 he is obligated to maintain records of everybody who worked for
23 him. Do I understand you to say it's his position that that's
24 what he did?

25 MR. SATRIALE: No, no, I'm not saying that. What I'm
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(914)390-4103

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1 saying, your Honor, is he said to you that, even since the
2 lawsuit has started, we're not maintaining records for
3 employees. I want you to know that none of the employees in
4 this case worked for us since the lawsuit has started. So --

5 THE COURT: Okay, well, look, that may very well be,
6 but that's not what counsel's addressing. What counsel is
7 addressing is, apparently, your client, at deposition, if I
8 understand what he said correctly, has failed to maintain the
9 records required by the federal statute and by the New York
10 State Labor Law.

11 Now, the question then becomes -- and this is
12 something that you're both going to have to give me case
13 authority on -- whether, under those circumstances, a sanction
14 would be appropriate for spoliation of evidence. Because the
15 rationale would seem to me to be, if an employer came in here
16 and said here are all my records, here are all the people who
17 worked for me, I've maintained them as required by law,
18 plaintiff's name isn't on it, that would be one thing. When he
19 has failed to maintain those records which he's required by law
20 to maintain and then he comes in and says, well, it doesn't
21 matter because these guys never worked for me, well, all
22 anybody has on it -- there's no records to back up what he
23 says, in violation of a statute, and all he has is, well -- all
24 the Court is left with is the issue of who the Court's going to
25 believe, and, under those circumstances, I think it's an

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(914)390-4103

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1 interesting issue, and you both will have an opportunity to
2 brief it.

3 MR. SATRIALE: Okay. Your Honor, on that issue, we
4 are dealing with the Department of Labor on that issue, which I
5 don't believe is related to this case, but we are dealing with

6 them. In this case, there's six plaintiffs. You will see at
 7 some point, or Judge Brieant will see at some point, that I
 8 believe three or four of the six don't have a federal claim
 9 because they didn't work at the car wash, based on their own
 10 admissions, within the last three years. So they're time
 11 barred.

12 THE COURT: We'll get into that when the time comes.
 13 Right now, I'm not there. Right now, we're talking about two
 14 issues. We've got a hearing on Wednesday at which I'll
 15 determine who, if either, counsel misbehaved at the deposition,
 16 and if I find that anybody did, there will be sanctions
 17 imposed. And then, after that, we will respond, orally
 18 respond. By that time, the motion will be submitted. It will
 19 be made in a week. You'll have an opportunity to respond to
 20 it, and we'll see where we go from there.

21 MR. SATRIALE: Your Honor, one request, because we've
 22 had issues in the past with regard to requests for an
 23 extension. I'm planning to take off some time around Easter,
 24 and I would ask, if they're going to serve the motion a week
 25 from today, that I have at least ten to -- to the Friday of the
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1 following week to respond.

2 THE COURT: That's not a problem.

3 MR. SATRIALE: Thank you.

4 THE COURT: Okay. We're adjourned until Wednesday --

5 MR. STOECKER: Your Honor, I'm sorry, your Honor.
 6 There were other -- other matters.

7 First, defendants -- the business operated by
 8 defendants is a cash business. There's no credit cards.
 9 There's no checks. There's nothing other than cash that is
 10 taken from customers and given to employees. So we're at a
 11 tremendous disadvantage because they have not maintained any
 12 records, and all we essentially have is tax returns, which we
 13 don't believe are accurate.

14 Among other things, the tax returns that they have --

15 THE COURT: What's the point?

16 MR. STOECKER: Well, the tax returns they have
 17 provided to us are not signed, your Honor. There's a lot of
 18 inconsistencies. We would like to get authorizations from the
 19 defendant so we can obtain the tax returns actually filed with
 20 the IRS.

21 THE COURT: That application is granted.

22 MR. STOECKER: Thank you, your Honor.

23 THE COURT: When the tax returns are obtained, you
24 will take the steps to get them, Mr. Satriale, and you will do
25 that immediately. You will be prepared to demonstrate to the
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1 Court that you have made the efforts to get them starting
2 immediately.

3 When the returns are obtained by you -- not by your
4 client, but by you -- you will have an opportunity to look at
5 them and to redact out anything that might reflect investment
6 income or anything else not relevant to the case, and then you
7 can submit them to me, the originals and redacted copies, for
8 in-camera review.

9 The alternative would be, if you don't want to get
10 them, then you just simply provide the authorizations to
11 plaintiffs' counsel, and they'll get them.

12 MR. SATRIALE: Okay, your Honor. I've already given
13 them unredacted tax returns at your request, so --

14 THE COURT: But they weren't signed, apparently.
15 Counsel tell me they weren't signed.

16 MR. SATRIALE: Well, what they -- and I don't know --
17 I will find out how it works, your Honor. When I get my tax
18 returns from my accountant, a copy of what he sent to the IRS,
19 those aren't signed, either.

20 THE COURT: No. You sign them, and then you submit
21 the signed copy to the IRS.

22 MR. SATRIALE: Absolutely.

23 THE COURT: All right. He just wants an opportunity
24 to make sure that what your clients provided to him is the same
25 thing they provided to the IRS.

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1 MR. SATRIALE: Is the one that went to the government.

2 THE COURT: That's right.

3 MR. SATRIALE: Okay. So you're asking me to get
4 signed ones back from the government and provide them to the
5 other side.

6 THE COURT: And that application, you know, the
7 necessary forms, should be obtained and submitted to the
8 government certainly within five business days.

9 MR. SATRIALE: Okay.

10 THE COURT: The alternative would be you provide the

11 releases to plaintiff and they'll get them. Okay.

12 MR. SATRIALE: I will do that, your Honor.

13 One final issue from the defendants' side, your Honor.

14 I made a handful of requests for documents at the
15 depositions of the plaintiffs. They asked me to send a letter
16 confirming the request. As I've received the transcript, I've
17 done that. Nothing's been received. All I would like is a
18 date certain as to when I can expect the documents

19 MS. ZDANIS: Your Honor --

20 THE COURT: When are you going to provide the
21 documents?

22 MS. ZDANIS: Your Honor, I haven't gotten any letter.
23 And as counsel's requested through all the depositions, he
24 usually tells the plaintiff to maintain the records. He has
25 never made a formal request. So I don't even have a request,

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1 your Honor.

2 THE COURT: Now, look, now, look, from this point
3 forward, there will be no requests for documents made on the
4 record at depositions by either side. You want records, you
5 make an application. You file requests for documents under the
6 Federal Rules of Civil Procedure.

7 That's the way you all want to play the game, that's
8 the way it will be done. There will be no more informal
9 agreements between counsel in this case about anything. You do
10 everything in accordance with the Federal Rules. Any failure
11 by either party to comply with the rules in terms of a response
12 time or anything else is going to result in sanctions being
13 imposed.

14 This matter is now adjourned to March 19th at 2 p.m.
15 for the hearing.

16 MR. STOECKER: Your Honor, there is -- your Honor --

17 THE COURT: There always is. What's your problem?

18 MR. STOECKER: Well, there's another matter, your
19 Honor.

20 In your Honor's order dated March 3rd, they were
21 directed to produce the subsidiary ledger to the general
22 ledger, the backup showing the payroll.

23 THE COURT: There was an opportunity to do that. And
24 I specifically directed to the defendant, because it's tax
25 season, that the accountant would have until after April 15th

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1 to complete the production of the backup documents and anything
2 else, including the supplemental ledger.

3 MR. SATRIALE: Your Honor, your Honor, and more
4 specifically what you said to them is they were going to depose
5 the accountant the next day. You said to them inquire at his
6 deposition with regard to what they're calling the subsidiary
7 ledger. They didn't do that.

8 The truth of the matter is, what I understand -- what
9 the accountant told me is there is no -- he doesn't have
10 anything called a subsidiary ledger. The general ledger
11 documents that you reviewed in camera from 2001 to 2007 have
12 what he called the cash disbursements checks listed that he
13 said would be within something called a subsidiary ledger.

14 You looked at everything we have, and you determined
15 what we provided to them was everything that was relevant. So
16 there is nothing else subsidiary ledger or otherwise.
17 Everything related to that was within the documents you
18 reviewed in camera and determined that what we have given was
19 appropriate. So there is nothing else.

20 MS. ZDANIS: Your Honor, I --

21 THE COURT: The accountant will provide an affidavit
22 to that effect within five business days, a sworn statement.
23 And it will be also signed by the client, that the client has
24 no other records, whether they gave them to the accountant or
25 not.

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1 MR. SATRIALE: I will do that, your Honor.

2 THE COURT: Anything else?

3 MR. STOECKER: Yes, your Honor. With regard to
4 Wednesday, we expect to get the transcript of the deposition
5 this week. The transcript will reveal that Mr. Satriale
6 directed his client not to answer questions.

7 THE COURT: Why are you raising this now? I'm going
8 to have a hearing on Wednesday.

9 MR. STOECKER: Well, I think we cannot intelligently
10 or completely address what occurred at the deposition without
11 the transcript, your Honor.

12 THE COURT: I disagree with you. There were
13 allegations made that you directed the court reporter to go off
14 the record, and then you made some statements which, if you
15 made them, were highly improper. We're having the hearing on

16 Wednesday. Anything else that I need or anything else that
17 anybody wants to submit in terms of the transcript I'll take a
18 look at when the hearing is over. Anything else?

19 MR. STOECKER: Well, we would like to make a motion
20 based upon the transcript, your Honor.

21 THE COURT: You can do whatever you want whenever you
22 get the transcript. We're having a hearing on the issues that
23 I've set forth on the record on Wednesday at 2 p.m.

24 MR. STOECKER: So just so I understand --

25 THE COURT: There's nothing not to understand. You
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1 understand very well. What else is the problem?

2 MR. STOECKER: Nothing, your Honor.

3 THE COURT: If you want to say it, go ahead. Make
4 your record.

5 MR. STOECKER: Well, I just want to be -- your Honor's
6 going to make credibility determinations about who said what
7 off the record at the deposition? Is that what --

8 THE COURT: I'm going to hear what everybody has to
9 say, and, based on the record that's before me and upon my view
10 of the evidence, I will make whatever determinations I think I
11 can properly make.

12 MR. STOECKER: Well, your Honor, we will not have the
13 transcript before --

14 THE COURT: I repeat, I will take the testimony on
15 Wednesday. If the transcript is relevant, I would assume
16 somebody ordered it expedited. It will be submitted to me
17 immediately after the hearing. If you've ordered it expedited,
18 I'm sure it will be here by the end of the week. And I'm
19 certainly going to consider what happened on the record at the
20 hearing, but, meanwhile, the court reporter will be here.

21 I didn't mean to suggest I'm going to decide this off
22 the bench, but I'm going to take the testimony.

23 Anything else from anybody? Very good. 2 p.m.
24 Wednesday. Thank you.

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CHRISTINA M. ARENDS-DIECK, RPR, RMR, CRR
(914)390-4103